

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

DAVID R. DESPOT,	:	
	:	
Plaintiff	:	No. 4:03-CV-0931
	:	
vs.	:	Complaint filed 06/04/03
	:	
BANKERS LIFE AND CASUALTY COMPANY	:	(Judge Muir)
	:	
Defendant	:	

**ORDER**

June 17, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On May 31, 2005, Defendant Bankers Life and Casualty Company filed a motion for summary judgment, a statement of facts, and a brief in support of the motion. The issues raised in the motion are not complex and the length of the brief supporting the motion is only 13 pages.

On June 15, 2005, Plaintiff David R. Despot filed a document consisting of 58 pages, excluding exhibits, and entitled "Plaintiff's June 13, 2005 Preliminary and Partial Response to Defendant's May 31, 2005 Motion for Summary Judgment." We construe that document to be Despot's brief opposing the motion for summary judgment. However, in a portion of that document Despot requests the court to appoint counsel to represent him.

Local Rule 7.8 is entitled "Contents and Lengths of Pretrial Briefs." Subsection (b) of that rule provides that "no brief shall exceed fifteen (15) pages in length" unless prior

authorization is obtained from the court to file a brief containing more pages, or the brief does not exceed 5,000 words and a certificate as to the word count is filed with the brief. M.D. Local Rule 7.8. Despot's brief far exceeds the page limit established in Local Rule 7.8(b)(1), yet he has not fulfilled either of the prerequisites for exceeding that limit. Despot's failure to comply with Local Rule 7.8 is one reason to strike his brief.

Despot's brief is also defective because it impermissibly incorporates a request to appoint counsel. Any such request should be presented to the court by way of a separate formal motion in compliance with the Federal Rules of Civil Procedure and the Local Rules of this court.

For those reasons we will strike Despot's brief and provide him with an extension of time to file a proper opposition brief.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Clerk of Court shall strike from the record the document filed on June 13, 2005, by Despot entitled "Plaintiff's June 13, 2005 Preliminary and Partial Response to Defendant's May 31, 2005 Motion for Summary Judgment" (Document 58).
2. Despot may, within 20 days after the date of this order, file a brief in opposition to the Defendant's motion for summary judgment. Despot's brief shall

conform in all respects to the Federal Rules of Civil Procedure and the Local Rules of this court.

3. Defendant Bankers Life and Casualty Company may, within 10 days after the filing of any brief by Despot, file a brief in reply.

s/Malcolm Muir  
MUIR, U.S. District Judge

MM:ga